

Question and Answer Sheet on Wildlife Feeding and Baiting Restrictions July 3, 2002

Why did DNR recommend that deer feeding and baiting be banned? This restriction is viewed by experts to be critical to success in controlling Chronic Wasting Disease (CWD) and reducing the chance that CWD will become established in new areas of Wisconsin. Chronic wasting disease has been found in deer in western Dane and eastern Iowa counties. This fatal, contagious disease of deer, is a member of a family of diseases, believed to be caused by an abnormal protein called a prion. This disease may be spread from deer to deer directly and indirectly through a contaminated environment created by concentrating diseased deer. Any practice that artificially concentrates deer including baiting and feeding is likely to increase the spread of CWD.

Will a ban on baiting and feeding stop the spread of CWD? It is possible that CWD will spread with or without baiting and feeding. However, it is believed that CWD would spread faster with baiting and feeding, as these practices can bring healthy deer together with diseased deer or to a shared location that may be contaminated. Baiting and feeding likely increases the probability that infected deer will transmit CWD to other deer, spreading CWD widely in local populations.

Why didn't DNR recommend that baiting and feeding be limited to a small amount rather than banning it? Even small amounts of bait and feed appear to present a disease risk. A study in Michigan found that more nose-to-nose contacts among deer occurred over 5 gallons of bait than over larger piles of bait. This was true whether bait was in piles, rows, or scattered. Even though you might think that only a couple deer would use a small amount of feed, this is not always true. For example, one Wisconsin resident recently reported observing 35 different deer regularly visit a 2 gallon feeding site near his house. A few deer may consume the feed, but others continue to inspect the site and lick up whatever remains.

Why is the baiting and feeding ban statewide rather than just in the area infected with CWD? The risk factors that can contribute to the introduction of CWD into the deer herd may be present statewide. Potential risk factors include: depositing of carcass remains of deer taken from CWD-infected areas in and outside of Wisconsin in fields and woods; escape of captive animals and illegal stocking of imported deer into wild populations. There have been no known cases of CWD in Wisconsin's approximately 900 game farms, however escapes of deer or elk from game farms have been documented numerous times each year across the state, illustrating the potential for disease to enter Wisconsin undetected and then enter the wild deer population.

Why such drastic actions? There is too much at stake to risk CWD and other infectious disease introduction and establishment in deer populations across the state. Disease experts believe that baiting and feeding are responsible for TB sustaining itself in Michigan's deer herd. No one wants to have to establish new CWD eradication zones around the state. Baiting and feeding are one of the risk factors that we can do something about.

What is the relative risk of deer feeding vs. deer yarding or feeding in timber sales? Any concentration of deer increases the risk of disease transmission. Deer concentrations in timber sales, standing crops, and deer yards is considered a natural behavior and a much lower disease transmission risk than feeding. Artificial feeding is an unnatural activity, due to the repeated replacement of food in the same location and results in much more direct contact among deer and contact with potentially contaminated feed and ground. This contrasts with the more dispersed feeding in fields and yards, where the food is consumed and not replaced when a deer eats it.

How does feeding deer differ from feeding livestock in concentrated areas? Any concentration of animals increases the chance for diseases to spread. Livestock producers are well aware of this risk. They medicate or inoculate their animals to reduce the chance of disease. This option is not available for wild deer.

Is a ban on feeding and baiting the only thing that can be done to prevent the spread of CWD? No, the number of deer in an area can also be a risk factor. The deer herd in the infected area will be reduced to as close to zero as possible in an attempt to eliminate the disease. The deer herd in nearby areas will be reduced to 10 per square mile of deer range to reduce the chance of disease transmission in these areas. In the rest of the state, we will need hunters to harvest enough deer to keep the deer herd at goal levels to reduce the risk there.

What do I do about the food I may already have on my property? Any food that was placed prior to the adoption of this rule that does not meet the requirements of the rule must be removed, moved or altered to conform to the rule.

Can I still feed birds and squirrels? People can continue to feed birds and small mammals as long as they place the food in feeding devices or structures such that they are unavailable to deer either by design or height above the ground. In certain urban situations, where deer are not present, the need to restrict deer access to the food may not be necessary.

Can I feed birds and small mammals anywhere on my property? No, bird and small mammal feeding is only allowed up to 50 yards from a house or other building devoted to human occupancy (i.e. any building a person may occupy such as a cabin, restaurant, workplace, trailer or motor home).

What do you mean by small mammals? For the purpose of this rule, small mammals are any mammals other than deer, bear and elk.

Is there a limit to the amount of food I can place for birds and small mammals? No. The amount of feed is not restricted in this rule. You can place as much food and as many feeders as you want in your yard as long as the food and feeders are not accessible to deer.

What about the ground feeding birds? Can I feed birds, turkeys and squirrels by setting food on the ground instead of in a feeder? Only if the food is not accessible to deer. For example, if the site is in a part of the city where there are no deer or in a confined area not accessible to deer, this practice would be legal. If deer are present at the feeding site, the food must be made inaccessible or removed.

What do I do about the feed that birds and mammals cause to fall upon the ground? Am I in trouble if birds or squirrels knock feed off the feeders onto the ground? No, you are not in violation if feed is knocked to the ground by birds or squirrels. We recommend that if substantial amounts of seed or other feeding materials fall to the ground, you should make a reasonable attempt to clean up around the feeders on a regular basis so deer are not attracted to the area.

If I have deer around my house, how do I keep deer from getting access to my bird or squirrel feeder? Feeders should be placed in a location that deer cannot get to, at a height they cannot reach, or in devices that have wire shields or other such deterrents that allow the birds to access the food but not the deer.

Can I use feeders that mechanically distribute feed to the ground? If these feeders are being utilized to feed deer or if the deer are accessing the feed then these kinds of feeders are prohibited.

Can I continue to use mineral blocks, salt blocks, protein blocks or other similar blocks or supplements? No, these supplements attract deer and can increase deer-to-deer contacts directly or indirectly (e.g. saliva), and they are prohibited. If you have placed such blocks and supplements out for deer in the past that are still present and not yet consumed, they will need to be removed. It is illegal to leave them out or to hunt over or with the aid of these materials. Salt, mineral licks, protein blocks and supplements placed for livestock as a part of normal agricultural practices are not prohibited.

Can I plant food plots that attract wildlife? Yes, food plots are not regulated by this rule.

What if my garden attracts deer? You may wish to try and keep deer from your garden, but this is not an illegal situation. Gardens are not regulated by this rule.

What about my round bales in my fields or my livestock feeders that are located in my pastures?

These are considered normal agricultural practices and are not prohibited by this rule.

What's the disease management difference between a harvested cornfield, hayfield, garden, heavy acorn fall, or food plot and a feeding station? Agricultural crops, food plots and natural vegetation allow for more dispersed feeding, less deer-to-deer contact and are not replaced when consumed.

Can I feed birds, ducks, geese, squirrels, chipmunks or other animals by tossing food to them?

People can continue to hand-feed animals other than deer if they place the food no more than 30 feet away and make a reasonable attempt to remove unused food when they leave the feeding site (i.e. when you move to a distance greater than 30 feet from the deposited food). However, people should be aware that such activities might cause animal concentrations that are both unhealthy for the animals and a nuisance for people. Such feeding often involves food that is not nutritionally in the best interest of the animals. Some cities have or are considering ordinances prohibiting such feeding. The National Wildlife Management Institute recommends against such feeding.

What if my harvested cornfield attracts deer? Foods available as a result of normal agricultural practices are not restricted by this rule.

What if someone places feed on my land that I'm not aware of? If you are notified by DNR that you have an illegal feeding site on land you own, lease or occupy, you will be responsible for removing it whether you personally put it there or not. Failure to comply could result in a citation being issued.

Can I use liquid scents for deer hunting? Yes.

Can bear hunters and bear hunting dog trainers use bait? Bear hunters who possess a Class A or B bear license can continue to use bait for hunting bear and training dogs, but the bait must be placed in a hole in the ground, a hollow stump, or a hollow log and covered by a rock or logs so that deer cannot access the bait. Bait placed for this purpose can only be placed or used between April 15 and the end of the bear harvest season.

Does this rule affect baits used for trapping? No. Baits used in trapping normally would not attract deer, are regulated separately and are specifically exempted from the baiting prohibition.

Won't a ban on baiting reduce the harvest of deer and cause more deer population problems and more risk for CWD? Current data from Department 2001 hunter surveys shows that 40 percent of bowhunters and 17 percent of gun hunters in Wisconsin use bait. The difference in success rates among gunhunters with and without bait is negligible. The difference in success rates for archers is greater, but the overall impact of hunting without bait is expected to be minor. Some argue that eliminating bait and feed may actually increase harvest by increasing the activity of both hunters and deer. In addition, deer will be less likely to concentrate and be held on some parcels where they are unavailable for harvest by hunters on other lands.

Isn't baiting and feeding good for the deer population? Baiting and feeding adds artificial energy to the habitat of deer. This can increase reproduction of deer and higher deer numbers than the habitat can support. This leads to long-term degradation of their habitat. In heavily fed deer herds annual reproduction can exceed hunter demand for harvesting deer, therefore keeping deer herds higher than safe population goals. Feeding can also keep deer from moving to deer yards until mid-winter, resulting in stress to the deer if they are far from the yards when severe weather comes. In addition, deer foods used by people are often detrimental, because they do not meet the nutritional needs of deer in winter.

Won't a lot of deer starve if we have a severe winter and no baiting and feeding? Based on past experience, many deer die during severe winters whether there is feeding or not. Historically, we have lost 25-30 percent of the northern deer herd during severe winters. This is normal for northern deer herds. The population rebounds quickly in years following these severe winters, and only about 1 out of 5 winters have been severe in the last couple of decades.

Have other states banned baiting and feeding for deer? Michigan recently banned feeding and baiting in their tuberculosis-infected counties and place a 2 gallon limit in the remainder of the state. They also will prohibit all baiting and feeding statewide if CWD is found within 50 miles of the state border. Colorado does not allow baiting or feeding. Minnesota banned baiting in 1991, and neither Iowa nor Illinois allow baiting of deer. In fact, the majority of states do not permit baiting as a legal deer hunting practice.

Won't these rules hurt a lot of businesses that grow or sell deer bait and feed? Yes, there will be an economic impact on these businesses. For some mills in particular, there may be a significant impact. However, these impacts have to be weighed against the risk for introduction and spread of serious deer diseases such as CWD and TB that have significant effects on deer, deer hunting, farming, motorist safety, and the state's economy. A CWD infection statewide would have a much larger economic impact.

What is the fine for violating the baiting and feeding rules? Violation of the baiting rules can result in a civil forfeiture citation of up to \$2079 and a three year revocation of all DNR privileges and approvals. A violation of the feeding rules may result in a civil forfeiture citation up to \$288 and a three year revocation of all DNR privileges and approvals. Repeat offenders could also face criminal penalties and mandatory revocations.

How long will these rules last? The rule adopted by the Natural Resources Board is an emergency rule. It will expire September 1, 2003. A "permanent" rule will need to be adopted by the Board in late winter or early spring if these rules are to continue. Legislative authority given to DNR for regulating feeding ends in June 2004. The legislature will then have to decide whether to extend this authority.

Could such permanent rules ever be changed? All DNR rules can be changed in the future as long as this flexibility is given in the state statutes established by the legislature. The current statute gives the DNR authority to reverse the baiting and feeding decision should future evidence suggest that a change is prudent.

How do Wisconsin's deer hunting organizations feel about the feeding and baiting ban? The ban adopted in the emergency rule is supported by the Conservation Congress Executive Council, Whitetails Unlimited, Wisconsin Bowhunters Association, Wisconsin Deer Hunters Coalition, Wisconsin Deer Hunters Association, and the Quality Deer Management Association.

When do these new baiting and feeding regulations take effect? The emergency rule will take effect on Wednesday, July 3, 2002.